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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,201	02/01/2002	Shinichi Suwa	218876US2	7494
22850	7590	11/15/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			JONES, PRENELL P	
			ART UNIT	PAPER NUMBER
			2668	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/060,201

Applicant(s)

SUWA, SHINICHI

Examiner

Prenell P. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/1/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) 3-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claim 10 is objected to because of the following informalities: In line 1, Applicant is claiming "Abackwiringboard," which Examiner believes is a typo. There are no spaces between words. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamanaka (US PAT. 6,693,911) in view of Loewen et al (US PAT. 6,798,744 and Karlsson et al (US PAT PUB 2004/020149 A1).

Regarding claim 1, Yamanaka discloses an ATM apparatus that utilizes UTOPIA, wherein the apparatus further includes a plurality of subscribers coupled to an ATM, wherein the plurality of subscribers (N groups of 32 PHY) include 32 PHY layers (Figs. 1, 2, 7-10, col. 2, line 40-57, col. 8, line 10-41, col. 9, line 3-23), controlling transmission using RXENB/enable signal (col. 6, line 30-60), disconnecting subscribers (N groups of 32 PHY) as associated with UTOPIA interface and associated addresses (col. 9, line 3-

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22, col. 10, line 35-67, col. 11, col. 15, line 6-62). Yamanaka is silent on cell available signal between ATM and subscriber and UTOPIA addresses. In analogous art, Loewen discloses flow control in an ATM UTPOIA environment wherein RCA (receive cell available) signals are utilized with respect to PHY devices (col. 13, line 19-45), and Karlsson discloses managing packet transmission in an ATM UTOPIA environment wherein multiple DSL (N group of 32 PHY) utilize UTOPIA address lines. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement controlling transmission by utilizing cell available signal and UTOPIA addresses as taught by the combined teachings of Loewen and Karlsson with the teachings of Yamanaka for the purpose of further managing and controlling transmission of data in an ATM UTOPIA environment.

Regarding claim 2, as indicated above, Yamanaka, Loewen and Karlsson discloses managing and controlling transmission in an ATM UTOPIA environment. Yamanaka further discloses using channels connecting ATM layer function and N groups of 32 PHY layer functions as a means for delivering enable signals to a group of 32 PHY layer functions. However, Yamanka fails to teach a means for delivering UTOPIA addresses and cell available signals to a group of 32 PHY layer functions. However, in analogous art, Loewen further discloses using channels connecting ATM layer function and N groups of 32 PHY layer functions as a means for delivering cell available signal to a group of 32 PHY layer functions, and Karlsson further discloses using channels connecting ATM layer function and N groups of 32 PHY layer functions as a means for

delivering UTOPIA addresses to a group of 32 PHY layer functions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement using channels as a means of delivering UTOPIA address and cell available information between devices as taught by the combined teachings of Loewen and Karlsson with teachings of Yamanak for the purpose of further managing and controlling transmission in an ATM UTOPIA environment.

Allowable Subject Matter

3. Claims 3-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. The following is a statement of reasons for the indication of allowable subject matter: Although the combined cited art teaches managing and controlling transmission in an ATM UTOPIA environment, they fail to teach or suggest with respect to claims 3 and 4, transmission order determination means for assigning priorities to N groups of 32 PHY layer functions so as to when two or more of N groups of 32 PHY layer functions assert their cell available signals with an identical UTOPIA address, with respect to claim 6, indicating priority which increases in ascending order of numbers are assigned to N groups of 32 PHY layer functions, and transmits calls to two or more groups of 32 PHY layer functions in rotation according to the numbers.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chief Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

November 7, 2005



CHIEH M. FAN
PRIMARY EXAMINER